



# FAX COVER

Date: July 25, 2002 Number of pages (including cover): 76  
To: Examiner James Martinell  
Applicant: Krieg et al.  
Serial No: 09/669,187  
Filing Date: September 25, 2000  
Title: IMMUNOSTIMULATORY NUCLEIC ACIDS  
Fax Number: 703-746-5162  
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Number of Pages (Including Cover Sheet): 6

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I hereby certify that a copy of a Response to Restriction Requirement as filed March 13, 2002 in the above-referenced application (Total of 6 pages including cover sheet) is/are being facsimile transmitted to the attention of Examiner James Martinell, Commissioner for Patents, Washington, D.C., 20231 (703-746-5162) on the date shown below.

Maria A. Trevigan, Reg. No. 48,207

Date: July 25, 2002

Typed or Printed Name of Person  
Signing Certification

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WG&S File Number: C1039/7035

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Serial No. 09/169,187 File No. C10394035 By: HCL/MAT/egs

Title: Immunostimulatory Nucleic Acids WGS Date: 02/17/02

Application of Krieg, et al

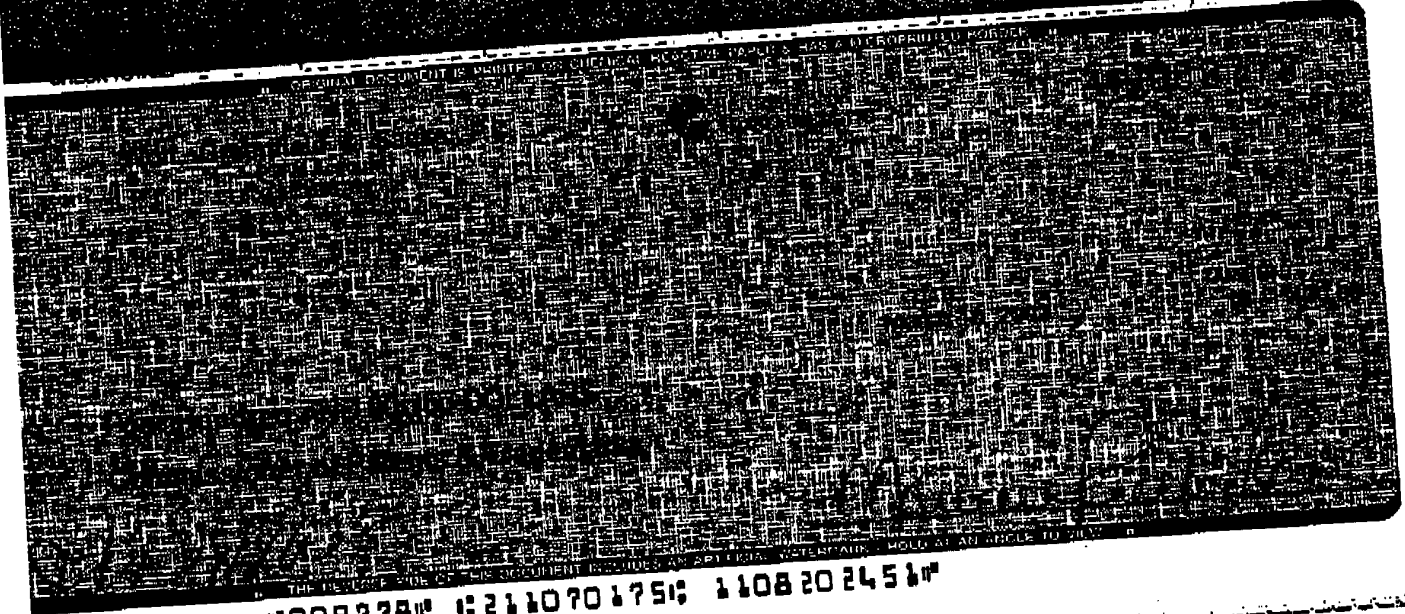
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<input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. _____ <input type="checkbox"/> Patent Application <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional Incl. _____ pages, ( _____ pgs) Specification, _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims) <input type="checkbox"/> Design Patent Application Declaration(s) _____ Drawings _____ Sheet(s) (FIGS. _____) <input type="checkbox"/> Formal <input type="checkbox"/> Informal <input type="checkbox"/> Utility Patent Application Transmittal <input type="checkbox"/> Fee calculation sheet (x2) <input type="checkbox"/> CPA Transmittal <input type="checkbox"/> Verified Statement claiming small entity status <input type="checkbox"/> Assignment and Cover Sheet  <input type="checkbox"/> Other _____	Provisional Application Cover Sheet Multiple Dependent Claim Fee Sheet Inf. Decl. Statement, PTO Form 1449 <input type="checkbox"/> References Cited Priority Document(s) # _____ <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts Amendment/Response To RAST, Req. Petition for Ext. of Time (x2) <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Official Draftsperson <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Brief (x3) <input checked="" type="checkbox"/> Check for \$ <u>400.00</u> Check # <u>978</u> <input checked="" type="checkbox"/> Transmittal Letter (x2) <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)
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DATE MAILED March 13, 2002

I, Greenfield & Sacks, P.C.  
PTFM Account

INVOICE NUMBER	INVOICE DATE	CLIENT	MATTER	AMOUNT
	7/1	C1639	7035	



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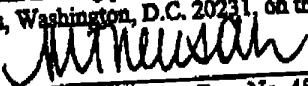
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ATTORNEY'S DOCKET NO. C1039/7035 (HCL/MAT)  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARTHUR M. KRIEG, ET AL.  
Filing Date: September 25, 2000  
Serial No.: 09/669,187  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS  
Examiner: J. Martinell  
Art Unit: 1633

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the March 13, 2002.

  
Maria A. Trevisan, Reg. No. 48,207

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

TRANSMITTAL LETTER

Sir:

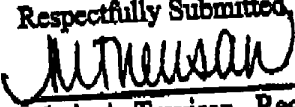
Transmitted herewith are the following:

- ☒ Response to Restriction Requirement
- ☒ Check in the amount of \$400.00
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A two month extension of time is respectfully requested and the appropriate fee is submitted herewith. If an additional fee is required, please charge it to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

  
Maria A. Trevisan, Reg. No. 48,207  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Attorney's Docket No.: C0139/7035 (HCL/MAT)  
Date: March 13, 2002  
X03/17/01

**ATTORNEY'S DOCKET NO. C1039/7035 (HCL/MAT)  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: ARTHUR M. KRIEG, ET AL.  
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Maria A. Trevisan, Reg. No. 48,207

**COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement (paper # 12) mailed from the United States Patent and Trademark Office on December 17, 2001, Applicants have elected the claims of Group I, drawn to methods of stimulating immune responses, classified in class 514, subclass 44, and the sequence of SEQ ID NO:222 for examination with traverse.

It is Applicants' understanding that upon search and examination of a generic claim of Group I with respect to SEQ ID NO:222 and upon allowance of a generic claim, Applicants will be entitled to consideration of the claims to additional species which are written in dependent form or otherwise include all of the limitations in the allowed generic claim. The oligonucleotides described in the claims are different from the nucleic acids covered under the requirements limiting examination to 1-10 sequences. The described oligonucleotides share a common structural motif, similar to a chemical structure. Thus, the class of oligonucleotides should be treated as a species/genus rather than as completely separate and distinct nucleic acid sequences. The nucleic acids subject to the restriction limitation of 1-10 sequences are unrelated nucleic acids. The oligonucleotides that are the subject matter of the claims are a related class of chemical compounds having a generic common structural entity.

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Art Unit: 1633

Please cancel claims 78, 80, 82, 83, 95, 96, 99, 100, 101, 102, 103, and 106, as drawn to non-elected inventions. Applicants hereby reserve the right to file one or more divisional applications on the subject matter of the non-elected claims.

Claims 1-77, 85-94, and 98 are currently pending.

Respectfully Submitted,



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Boston, MA 02210-2211  
(617)720-3500

Attorney's Docket No.: C0139/7035 (HCL/MAT)  
Date: March 13, 2002  
x03/17/02

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